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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/590,922 06/09/00 SHAFIYAN-RAD

S 00AB045

EXAMINER

WM01/0131

NGUYEN, P

ART UNIT

PAPER NUMBER

2632

DATE MAILED:

01/31/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/590,922

Applicant(s)

SHAFIYAN-RAD ET AL.

Examiner

Phung T Nguyen

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2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 5, 10, 11, 13, 14, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lin [U.S. Pat. 4,999,755]

**Regarding claim 1:** Lin discloses a tube light comprising the housing having a first side extending generally between second and third sides is met by the tube 10 (figures 1-3, col. 2, lines 37-47) so that part of the strip is visible at the first side and the at least one of the second and third sides.

**Regarding claim 2:** Lin discloses the claimed the light source operatively associated with the at least one elongated strip so that light from the light source illuminates the at least one elongated strip which is met by the bulb 21 (figure 1, col. 2, lines 57-65).

**Regarding claim 4:** Lin teaches the at least one elongated strip extends completely through the housing from the second side through to the third side and is exposed at the first side, whereby the at least one elongated strip is visible along the first side, the second side, and the third side is met by the cover 30E (figure 12, col. 4, lines 42-58).

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**Regarding claim 5:** Lin discloses the second and third sides are opposed sides of the housing 10 (figures 1-3, col. 2, lines 45-47).

**Regarding claim 10:** Lin discloses the claimed the at least one elongated strip has an outer that substantially conforms to the contour of an adjacent outer sidewall portion of the housing which is met by the translucent plastic 30 (figure 3, col. 3, lines 29-30).

**Regarding claim 11:** All the claimed subject matter is discussed in respect to claims 1 and 2 above.

**Regarding claim 13:** Refer to claim 4 above.

**Regarding claim 14:** Refer to claim 5 above.

**Regarding claim 19:** Refer to claim 10 above.

**Regarding claim 20:** Lin discloses the housing 10 having an outer sidewall portion; illumination means for emitting light when activated is met by the light unit 20; and the housing means for transmitting emitted light from the illumination means so as to be visible from a plurality of sides of the outer sidewall portion of the housing which is met by the tube 10 (figure 1, col. 2, lines 37-65).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 6-9, 12, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Duerkob [U.S. Pat. 4,954,808].

**Regarding claim 3:** Lin teaches a continuous length of tube and a plurality of light units which can be loaded into the tube. But Lin does not show the light source having an illuminated condition and nonilluminated condition, each condition being indicative of an operating condition of the indicator. However, Duerkob discloses the lighted turn and stop signal unit 1 illustrating the brake light 5 as being lit, thus indicating braking of the automobile 3 (figures 1 and 2, col. 4, lines 42-65). Therefore, it would have been obvious to one of ordinary skill in the art to use the teaching of Duerkob in the invention of Lin so that an individual may monitor the operating condition of the device.

**Regarding claim 6:** Lin teaches the at least two elongated strips extending through the first side and at least one of the second and third sides so that part of each of the elongated strips is visible at the first side and the at least one of the second and third sides are in the form of the light unit 20 (figure 1, col. 2, lines 57-65). One skilled in the art would have clearly recognized that the device of Lin would not have inhibited transmission of light between the at least two elongated strips. Lin fails to have a partition of a substantially opaque material separating the at least two elongated strips as claimed. However, Duerkob discloses the light shield element 31 (figures 5 and 8A, col. 5, lines 32-36) to shield the compartments from each other. Therefore, it

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would have been obvious to one of ordinary skill in the art to utilize the light shield element 31 of Duerkob into the system of Lin in order to prevent transmission of light from one strip to another strip.

**Regarding claim 7:** Lin fails to disclose a different light source operatively with each of the at least two elongated strips. However, Duerkob discloses a red lens 55 and yellow lenses 53 (figure 5, col. 6, lines 25-40). Therefore, it would have been obvious to the skilled artisan to use the technique of Duerkob in the Lin's invention to help distinguish between the different strips of material.

**Regarding claim 8:** Refer to claim 4 above.

**Regarding claim 9:** Refer to claim 5 above.

**Regarding claim 12:** Refer to claim 3 above.

**Regarding claim 15:** Refer to claim 6 above.

**Regarding claim 16:** Refer to claim 7 above.

**Regarding claim 17:** Refer to claim 8 above.

**Regarding claim 18:** Refer to claim 9 above.

5. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Schneider et al. [U.S. Pat. Des. 391,182].

**Regarding claim 21:** Lin discloses all the claimed subject matter discussed in respect to claims 1 and 2 above. Lin fails to disclose a proximity sensor for sensing the proximity of an object. However, the use of proximity sensor is old and well known in the art as taught by

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Schneider et al. (Figure 1). Therefore, it would have been obvious to one of ordinary skill in the art to use the teaching of Schneider et al. in the system of Lin for detecting the presence or absence of an object.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Hanchar (U.S. Pat. 4,667,277) discloses an indicator lamp assembly.

b. McSwiggen et al. (U.S. Pat. 5,975,716) disclose a mounting bar for spacing indicator lights used in electronic equipment.

c. Campman (U.S. Pat. 5,633,623) discloses a personal indicator with light emission multiplying microprism array.

d. Schmalz et al. (U.S. Pat. 6,044,632) disclose a backup proximity sensor for a vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung Nguyen whose telephone number is (703)308-6252. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass, can be reached on (703)305-4717. The fax phone number for this Group is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.


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Examiner: Phung Nguyen

Date: January 19, 2001

  
DANIEL J. WU  
PRIMARY EXAMINER  
01/29/01